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TAGS: [ECPS](#) [ETRD](#) [FR](#)  
SUBJECT: INTERNET RIGHTS FORUM DISCUSSES PROPOSED INTERNET  
REGULATION

Ref: A) Larrea-Dwyer 3/7 e-mail, B) Sullivan-Larrea March 12 e-mail

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Summary  
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1 . (SBU) France's Internet Rights Forum General Manager Isabelle Falque-Pierrotin told us that a draft GOF decree that would create a National Commission on Online Professional Ethics was not proceeding forward. Originally envisioned as a way to protect children against sensitive online content, the draft decree was vaguely worded and raised concerns that it might have a large role in policing the Internet. Additionally, Falque-Pierrotin said that a new law that criminalizes the filming of violent crimes and posting such content on the internet would not create new liability either for sites that host such content or for internet service providers. End summary.

An Ethics Commission to regulate the Internet? Not yet  
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12. (SBU) On March 14, econoff met with Internet Rights Forum General Manager Isabelle Falque-Pierrotin to discuss a draft decree that would create an ethics commission to oversee Internet content (ref A). Falque-Pierrotin said that the proposal for a Government-controlled ethics commission has been in the works for months but only surfaced recently as copies of the draft decree were leaked to the press and posted on the web. Originally envisaged as a way to protect children and classify content by age group, the proposal was vaguely worded and raised concerns that it might have a large role in policing the Internet. These concerns were compounded by the Government's decision to establish the commission by decree, which does not require Parliamentary approval. Falque-Pierrotin told us that the government project, which had originally received much support from both the President and the Prime Minister, appeared to have been shelved to avoid a public debate in the run up to the April Presidential elections.

13. (SBU) This proposal is not likely to resurface, according to Falque-Pierrotin, at least not in its current form. Much of the opposition to the establishment of a new government-controlled commission came from the Internet Rights Forum, which was concerned about how the two organizations would co-exist. The six-year-old Forum, in which French and other European Internet representatives join GOF counterparts to develop appropriate legislation and regulations governing the Internet in France, believes that its private/public approach has produced results superior to a "top

down" regulatory approach. The draft decree was unclear on how the new ethics commission, which would have been composed of five appointees of the Prime Minister's Office, would interact with the Forum. The press had speculated that the Commission would replace the Forum.

14. (SBU) Falque-Pierrotin told us that the GOF has, on several occasions in the past, attempted to create government-appointed bodies with more sweeping regulatory powers over the Internet. In a 2004 bill "for confidence in the Internet economy" ("loi pour la confiance dans l'economie numerique"), the GOF proposed to give French Television Broadcasting Authority CSA the power to regulate the Internet. The Forum opposed that draft legislation, which was subsequently withdrawn. Falque-Pierrotin feared that the current draft decree was a repeat of that earlier bill, and the Forum's pressure appears to have convinced the GOF to shelve the decree for now.

#### Taping Acts of Violence and Consequences

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15. (SBU) Falque-Pierrotin also downplayed the potential liability implications of a March 5, 2007 law designed to prevent social delinquency, which had alarmed observers for its potential impact on freedom of expression (ref B). Tucked deep into a 50-page anti-crime law, a two-line provision criminalized the filming or broadcasting of acts of violence by anyone other than professional journalists. The provision aimed to battle "happy slapping," the youth fad of filming violent acts that they provoke themselves. However, contrary to what has been reported in the press, the measure differentiates between those who film such acts and are considered accomplices of the act (a provision first introduced in a 2004 law), and those who post the video on the Internet and risk five years imprisonment and a 75,000 euro fine.

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16. (SBU) Falque-Pierrotin added that those filming violent crimes could legally do so if they were professional journalists, or if they wanted to provide evidence to the police. Falque-Pierrotin emphasized that the new provision would not create liability issues for firms that host content, such as My Space and You Tube. These are governed by the 2004 law on the confidence in the digital economy, which requires that Internet Service providers (ISP) have an alert system and that they provide the name of the person responsible for posting videos with illicit content, i.e. child pornography or content inciting racism.

Comment

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17. (SBU) While much of the press attention on the March 5 law to prevent social delinquency focused on possible arrests for filming police brutality, the law does not address this issue directly. The courts will ultimately define how much leeway individuals are given in filming violent acts, especially acts of violence by the police during demonstrations. End Comment.

Stapleton